

Kent Ries  
State Bar No. 16914050  
600 S. Tyler, Box 12058  
1300 Chase Tower  
Amarillo, Texas 79101  
(806) 242-7437  
(806) 242-7440 – Fax

COUNSEL FOR TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**IN RE:**

**RALPH LYLE CRUM,**

**Debtor.**

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**Case No. 08-20297-RLJ-7**

**MOTION FOR APPROVAL OF EMPLOYMENT OF COUNSEL FOR TRUSTEE**

TO THE HONORABLE ROBERT L. JONES, BANKRUPTCY JUDGE:

COMES NOW, Kent Ries, Trustee (“Trustee”) of the referenced Chapter 7 bankruptcy estate, and files this Motion for Approval of Employment of Counsel for Trustee, and in support thereof would respectfully show unto the Court as follows:

1. Debtor filed for relief under Chapter 7 of the United States Bankruptcy Code on May 30, 2008. Kent Ries was subsequently appointed and qualified to serve as the Trustee over the bankruptcy estate.

2. This Court has jurisdiction over the subject matter of this Motion pursuant to 28 U.S.C. §§ 327.

3. Trustee will administer this case as an asset case.

4. Trustee asserts it is necessary to employ counsel, pursuant to 11 U.S.C. § 327(a), to perform the following described necessary legal services in the administration of this estate:

A. Preparation of all applications, notices, orders and legal papers necessary to comply with the Bankruptcy Code and Federal Rules of Bankruptcy Procedure.

B. Counseling with the Trustee as well as counsel for Debtors and creditors regarding potential assets and claims of the estate.

C. Preparation of transfer documents with respect to property to be liquidated by the estate.

5. Trustee desires that he be authorized to employ the law firm of Kent Ries for such compensation and reimbursement of expenses as is just pursuant to 11 U.S.C. § 330 and Rule 2016 of the Federal Rules of Bankruptcy Procedure. Kent Ries is an attorney admitted to practice in this Court with knowledge and experience in bankruptcy practice and is duly qualified to render necessary legal services.

6. Pursuant to 11 U.S.C. § 327(d), the “court may authorize the trustee to act as attorney . . . for the estate if such authorization is in the best interest of the estate.” 11 U.S.C. § 327(d). However, if the court authorizes the employment of the trustee as a professional, 11 U.S.C. § 328(b) specifies that the trustee receive professional compensation only for the performance of those professional tasks that are not generally performed by a trustee without the assistance of an attorney. The House Report on Section 328(b) states:

Subsection (b) limits a trustee that has been authorized to serve as his own counsel to only one fee for each service. The purpose of permitting the trustee to serve as his own counsel is to reduce costs. It is not included to provide the trustee with a bonus by permitting him to receive two fees for the same service or to avoid the maxima fixed in section 326. Thus, this subsection requires the court to differentiate between the trustee’s services as trustee, and his services as trustee’s counsel, and to fix compensation accordingly. Services that a trustee normally performs for an estate without assistance of counsel are to be compensated under the limits fixed in section 326. Only services that he performs that are normally performed by trustee’s counsel may be compensated under the maxima imposed by this section.

H.R. Rep. No. 95-595, 95<sup>th</sup> Cong., 1<sup>st</sup> Sess. 329 (1977).

7. Trustee would show the Court that employment of his firm is in the best interest of this Chapter 7 bankruptcy estate. Additional factors, which support employment of Trustee's law firm as counsel in this case, are as follows:

A. In addition to the legal services required by the Trustee of his law firm as described above, there will be some need for services at the time of the closing of the estate in connection with the filing of objections to claims and other general legal services. Such work does not justify the effort and expense of hiring an outside law firm.

B. Appointment of Trustee's own law firm in this case will result in a significant reduction of attorney fees. The estate will benefit from the Trustee's review of the schedules and statement of financial affairs and the examination by the Trustee at the first meeting of creditors. Employment of outside counsel would result in needless duplication of these efforts which would be further compounded by unnecessary attorney/client conferences and correspondence.

8. Normal hourly rates for legal services provided debtors, creditors and trustees in bankruptcy proceedings range between \$175.00 and \$225.00. It is difficult, if not impossible, to accurately project the fees to be incurred in connection with this particular bankruptcy proceeding given the early stages in which this application is filed and the uncertainty as to the causes of action to be pursued. Trustee asserts that he and his law firm are extremely sensitive to fees incurred in Chapter 7 proceedings and represent to the Court that all efforts to minimize fees, either by use of paraprofessionals or election of the most economic alternative for dispute resolution, will be employed.

9. The law firm of Kent Ries has never served as an examiner to the estate; and to the best of the Trustee's knowledge, the law firm of Kent Ries is a disinterested party having no connection with the Debtors, creditors, or any other party in interest. Attached hereto and incorporated herein as Exhibit "A" is the Affidavit of Kent Ries concerning the qualifications and disinterestedness of the law firm of Kent Ries.

**WHEREFORE, PREMISES CONSIDERED,** Kent Ries, Trustee herein, respectfully prays for an Order of this Court approving the employment of the law firm of Kent Ries, as attorneys to perform professional services in this proceeding, and for such other relief, at law or in equity, to which the Trustee may show himself justly entitled.

Respectfully submitted,

Kent Ries, Attorney at Law  
600 S. Tyler, Box 12058  
1300 Chase Tower  
Amarillo, Texas 79101  
(806) 242-7437  
(806) 242-7440-Fax

By: /s/ Kent Ries  
Kent Ries  
State Bar No. 1691450

COUNSEL FOR TRUSTEE

**CERTIFICATE OF SERVICE**

I certify that on the 25th day of July, 2008, a true and correct copy of the foregoing Motion for Approval of Employment of Counsel for Trustee was sent either electronically or mailed in the United States mail, postage prepaid, to the parties listed on the attached mailing matrix:

/s/ Kent Ries

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Kent Ries

Label Matrix for local noticing

0539-2

Case 08-20297-rlj7

Northern District of Texas

Amarillo

Fri Jul 25 13:49:06 CDT 2008

624 S. Polk , Suite 100

Amarillo, TX 79101-2320

U.S. Attorney

1100 Commerce, 3rd Floor

Dallas, TX 75242-1074

AT&T Mobility

P.O. Box 650553

Dallas, TX 75265-0553

U.S. Attorney General

Department of Justice

Washington, DC 20001

(p)AMERICAN HONDA FINANCE

P O BOX 168088

IRVING TX 75016-8088

Amex

P.O. Box 297871

Fort Lauderdale, FL 33329-7871

Armstrong Moving & Storage

2401 Double Creek Drive

Round Rock, TX 78664-3806

Arturo Carillo Medical Services, LP

1911 Port Lane

Amarillo, TX 79106-2470

Aspen Collection

P.O. Box 5129

Spring Hill, FL 34611-5129

Attorney-In-Charge

Office of the United States Attorney

500 S. Taylor, Lobby Box 238

Amarillo, TX 79101-2446

Bank Of America

Pob 17054

Wilmington, DE 19884-0001

Bank of America

P.O. Box 15714

Wilmington, DE 19886-5714

Chase

800 Brooksedge Blvd

Westerville, OH 43081-2822

Chase Business Cardmember Service

P.O. Box 94104

Palatine, IL 60094-4104

Comptroller of Public Accounts

Taxation Division Bankruptcy

P.O. Box 12548

Austin, TX 78711-2548

Financial Recovery Services

P.O. Box 385908

Minneapolis, MN 55438-5908

Fred Siegel, Esq.

1281 East Main Street

Holly Pond Plaza

Stamford, CT 06902-3544

GE Capital

P.O. Box 740441

Atlanta, GA 30374-0441

Goldfarb & Ajello Court Reporting

24 East Ave.

Box 1372

New Canaan, CT 06840-5529

Hartley Hampton

Attorney at Law

Five Houston Center

1401 McKinney, Suite 1800

Houston, TX 77010-4037

Helen Bruno, Esq.

112 Prospect Street

Stamford, CT 06901-1207

Home Coming Funding Ne

2711 N Haskell Ave. Sw 1

Dallas, TX 75204-2911

Homecomings Financial, LLC

c/o Pite Duncan, LLP

525 East Main Street

P.O. Box 12289

El Cajon, CA 92022-2289

Internal Revenue Service

Special Procedures Branch

Bankruptcy Section, Mail Code 5020-DAL

1100 Commerce Street

Dallas, TX 75242-1001

Lu Ann Weldon, MSHA, RN, CPC

Professional Healthcare Management, LLC

1800 W. Cherry Ave.

Amarillo, TX 79108-0703

New Life Bariatrics

1911 Port Lane

Amarillo, TX 79106-2470

Peter M. Dreyer

Siver Golub & Teitell, LLP

Post Office Box 389

Stamford, CT 06904-0389

Randi Crum

25 Fanton Hill Road

Weston, CT 06883-2406

Randi L. Crum

c/o Coleman Young

Templeton Law Firm

P. O. Box 15010

Amarillo, TX 79105-5010

Ruth S. Vidauri

Wells Fargo SBA Lending

4406 Piedras Dr. West, Ste 100

San Antonio, TX 78228-1207

Tascos Office Machines

1005 W. 8th Street

Amarillo, TX 79101-2011

Document Page 7 of 8

Texas Workforce Commission

101 E. 15th Street

Austin, TX 78778-0001

Tooher &amp; Woel, LLC

80 Fourth Street

Stamford, CT 06905-5009

Tooher &amp; Woel, LLC

80th Fourth Street

Stamford, CT 06905

United Collection Bureau, Inc.

P.O. Box 1117

Maumee, OH 43537-8117

Vzw Ne

Natal Recovery D

Folsom, CA 95630

Wells Fargo Bank

Amarillo Downtown Business Banking

905 S. Fillmore

Amarillo, TX 79101-3540

Willows Pediatric Group

1563 Post Road East

Westport, CT 06880-5602

Kent David Ries

600 S. Tyler, Suite 1300

Box 12058

Amarillo, TX 79101-2353

Ralph Lyle Crum

7003 Covenant Lane

Amarillo, TX 79109-6880

UST U.S. Trustee

1100 Commerce Street

Room 976

Dallas, TX 75242-1011

Van W. Northern

Northern Law Firm

112 W. 8th Street, Suite 400

Amarillo, TX 79101-2314

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

American Honda Finance

600 Kelly Way

Holyoke, MA 01040

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Homecomings Financial, LLC

(d)Amex

Po Box 297871

Fort Lauderdale, FL 33329-7871

(d)Randi L. Crum

c/o Coleman Young

Templeton Law Firm

P. O. Box 15010

Amarillo, TX 79105-5010

End of Label Matrix

Mailable recipients 42

Bypassed recipients 3

Total 45

THE STATE OF TEXAS

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§  
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF POTTER

**AFFIDAVIT OF KENT RIES**

Before me, the undersigned authority, on this day personally appeared Kent Ries of the law firm of Kent Ries, Amarillo, Texas, being by me duly sworn, upon oath deposed and said:

1. I am a resident of Amarillo, Potter County, Texas; am over the age of 21 years and am of sound mind and have never been convicted of an offense.

2. I am an attorney admitted to practice in the State of Texas, and possess all of the qualifications of an attorney or counselor of law in the State of Texas.

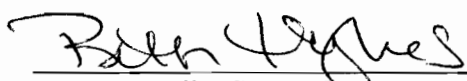
3. I have reviewed the *Motion* by the Trustee for approval to retain the law firm of Kent Ries as counsel in this Chapter 7 bankruptcy proceeding. Kent Ries is an attorney admitted to practice with extensive knowledge and experience in bankruptcy practice and procedure and said attorneys are in all respects qualified to render the necessary legal services requested by the Trustee.

4. The law firm of Kent Ries is disinterested and has no connection with the Debtors, creditors of the estate, any party in the United States Trustee's office or any other parties which have interest adverse to the Debtors.

FURTHER AFFIANT SAITH NOT.

  
Kent Ries

SWORN TO AND SUBSCRIBED BEFORE ME this 25<sup>th</sup> day of July, 2008.

  
Notary Public, State of Texas

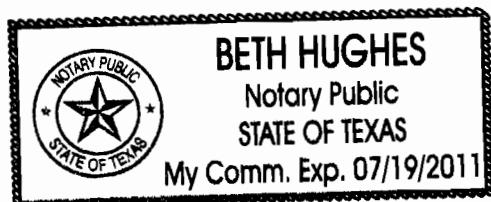


EXHIBIT A